

**UNITED STATES OF AMERICA**

**DARRELL P. JOHNSON,**

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## OPINION AND ORDER

By: James P. Jones  
United States District Judge

The defendant, Darrell P. Johnson, was convicted of being a felon in possession of a firearm and sentenced in this court on June 24, 2002, to 195 months imprisonment, to run concurrently with a prior state sentence. There was no appeal.

Johnson has now filed a pro se pleading entitled, “Motion to Determine Whether Amendment 709 is Clarifying or Substantive Pursuant to USSG § 1B1.1.11(b)(2) and 18 USC § 3582(a), (c) (2).” In his motion, he argues that his sentence should be reduced because of the adoption by the U.S. Sentencing Commission effective November 1, 2007, of amendment 709, which altered the method of computation of criminal history points for related prior sentences under the U.S. Sentencing Guidelines.

Johnson's motion is without merit. Amendment 709 does not apply retroactively. *United States v. Moss*, No. 10-6316, 2010 WL 2640086, at \*1 (4th Cir. June 28, 2010) (unpublished); *United States v. White*, Nos. 9-7790, -2136, 2010 WL 1735508, at \*1 (4th Cir. Apr. 29, 2010) (unpublished); *United States v. Jennings*, No. 1:05CR00021, 2008 WL 114912, at \*1 (W.D. Va. Jan. 11, 2008).

For this reason, it is **ORDERED** that the defendant's motion is DENIED.

ENTER: August 20, 2010

/s/ JAMES P. JONES

United States District Judge